

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF**

Cleveland Energy Resources.  
1801 East 12th Street, Suite 201  
Cleveland, Ohio 44114-3526

**ADMINISTRATIVE ORDER**

**EPA-5-OH-98-16**

Proceeding Pursuant to Sections  
113(a) and 114 of the Clean Air Act,  
42 U.S.C. §§7413(a) and 7414.

**STATUTORY AUTHORITY**

The following Order (Order) is issued pursuant to Sections 113(a) (1) (A) and 114(a) (1) of the Clean Air Act (Act), as amended, 42 U.S.C. §§ 7413(a) (1) (A) and 7414(a) (1).

**REGULATORY BACKGROUND**

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt, and submit to the U.S. EPA for approval, a State Implementation Plan (SIP) providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by the U.S. EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409.
2. Section 113(a) (1) (A) of the Act, 42 U.S.C. §7413(a) (1) (A), in applicable part, authorizes the Administrator of the U.S. EPA (Administrator) to issue an order requiring a person to comply with the requirements of a SIP whenever the Administrator, based on any information available to him, finds that such person has violated or is in violation of these requirements.
3. On April 15, 1974 (39 Fed. Reg. 13542), U.S. EPA approved Ohio Administrative Code (OAC) Rules AP-3-07 and AP-3-11 as part of the SIP for the State of Ohio. On May 27, 1994, U.S. EPA approved OAC Rule 3745-17-07, which superseded Rule AP-3-07, as well as OAC Rule 3745-17-10, which superseded Rule AP-3-11. OAC Rule 3745-17-07 regulates the opacity of the emissions into the atmosphere from any source. OAC Rule 3745-17-10 limits the particulate matter that a source can discharge into the atmosphere. The federally approved Ohio SIP is an implementation plan within the meaning of Section 110 of the Act, 42 U.S.C. §7410.
4. Section 114(a) (1) of the Act, 42 U.S.C. §7414(a) (1) authorizes the Administrator to require any person who owns or operates any emission

source or who is subject to any requirement of this Act on a one-time, periodic, or continuous basis to sample emissions in a prescribed manner, make reports, or provide any other information as the Administrator may reasonably require, for the purpose of determining violations of the SIP and of the Act.

### **FINDINGS**

5. Cleveland Energy Resources' (CER's) Canal Road Steam Plant, located in Cleveland, Ohio, consists of, among other things, the number 34 chain grate boiler (B001), the number 35 chain grate boiler (B002), the number 36 chain grate boiler (B003), and the number 37 chain grate boiler (B004).
6. CER, and boilers B001, B002, B003, and B004 are subject to the requirements of the Ohio SIP, specifically OAC Rules 3745-17-07 and 3745-17-10.
7. On February 11, 1998, U.S. EPA issued a Request for Information pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a), ordering CER to perform stack tests on its boilers B001, B002, and B004. CER did not perform the required stack tests because weather conditions in Cleveland were unfavorable for the required testing. This Order replaces and supersedes the February 11, 1998, Request for Information.
8. U.S. EPA issued a Notice of Violation (NOV) to CER on February 12, 1998, alleging violations of the Ohio SIP particulate limitations on boilers B001, B002, B003, and B004 and violations of the Ohio SIP opacity limitations at the Canal Road Steam Plant attributed to boilers B001, B002, and B004. CER violated the Ohio SIP particulate limitations, OAC 3745-17-10, on August 26, 1993, October 28, 1993, December 7, 1993, October 14, 1994, and January 26, 1996. CER violated the Ohio SIP opacity limitations, OAC 3745-17-07, on March 27, 1997.
9. In a March 4, 1998, letter to U.S. EPA, CER stated that boiler B003 had not been operated since the fourth quarter of 1995 due to a stoker grate malfunction.
10. CER met with U.S. EPA on March 16, 1998, to discuss the violations cited in the February 12, 1998, NOV.
11. CER met with U.S. EPA on July 22, 1998, to discuss a proposed agreed Administrative Order.
12. Based on CER's recurring exceedances of the Ohio SIP particulate emission limits, U.S. EPA has concluded that further stack testing is necessary in order to assess whether CER is maintaining continuous compliance with the Ohio SIP.

ORDER

After a review of information submitted to the U.S. EPA and a thorough investigation of all relevant facts, U.S. EPA has determined that the compliance program set forth in this Order is reasonable;

**THEREFORE, IT IS HEREBY ORDERED THAT:**

13. As of the effective date of this Order, CER shall achieve, demonstrate, and maintain continuous compliance with the Ohio SIP, including but not limited to OAC Rules 3745-17-07 and 3745-17-10, on its boilers B001, B002, and B004 at the Canal Road Steam Plant.
14. In the event that CER intends to resume operation of boiler B003, CER shall submit written notification to U.S. EPA and the Ohio Environmental Protection Agency (OEPA) at least 120 days before the start of such operation. Within 60 days of resuming operation on B003, CER shall conduct a stack test and submit all notifications and reports in accordance with the test protocol specified in Appendix A, attached hereto.
15. Within 15 days of the effective date of this Order, CER shall submit to U.S. EPA copies of any and all studies, assessments, reports, and/or analyses conducted since January 1, 1990, regarding the factors affecting emissions of particulate matter from units B001, B002, B003, and B004, including, but not limited to, the following:
  - a. Analysis of improvements in coal quality specifically directed at reducing particulate emissions loading from the boilers (e.g., reduction in ash quality index, percent fines to reduce particulate loading, etc.);
  - b. Analysis of the use of alternative, cleaner burning fuels (e.g., natural gas, fuel oil, etc.);
  - c. Operating parameters of control equipment presently used;
  - d. Analysis of the use of control equipment other than that which is presently used; and/or
  - e. Any other process variables.
16. Within 15 days of the effective date of this Order, CER shall submit to U.S. EPA a description of any and all adjustments, alterations, changes, and/or improvements to the maintenance program of the particulate control equipment and/or the operations of the particulate control equipment associated with units B001, B002, and B004 made since January 1, 1990.
17. In order to assess compliance with applicable particulate emission limitation requirements, CER shall conduct stack testing of units B001, B002, and B004, in accordance with the test protocol specified in Appendix A attached hereto. CER shall perform a stack test on each

unit, B001, B002, and B004, between October 12 and December 31, 1998, and between February 1 and April 31, 1999.

18. Beginning with the calendar quarter within which the effective date of this Order occurs, CER shall, within 30 days after the end of each calendar quarter, submit to U.S. EPA summaries of inspections, cleaning, and repairs performed on the particulate control equipment associated with units B001, B002, and B004.
19. Beginning with the calendar quarter within which the effective date of this Order occurs, CER shall, within 30 days after the end of each calendar quarter, submit to U.S. EPA an excess opacity report for the stack serving boilers B001, B002, and B004. The excess opacity report shall contain:
  - a. The date and time of commencement and completion of each 6-minute period of excess opacity;
  - b. The magnitude of opacity for each period of excess opacity;
  - c. The nature and probable cause(s) of each period of excess opacity as measured at the stack (including identification of startup, shutdown or malfunction of one or more of the boilers or their control equipment);
  - d. Any corrective actions taken or preventive measures adopted;
  - e. The total time in each calendar quarter during which all of the boilers using the Canal Road Plant stack were not operating;
  - f. The total time of opacity exceedance during the calendar quarter; and
  - g. The date and time identifying each period during which the continuous opacity monitor was inoperative (except for zero and span checks) and identification of the nature of monitoring system repairs or adjustments.

This excess opacity report will be used by the U.S. EPA to assess the Canal Road Plant's compliance with its applicable opacity limitation. CER shall continue to submit calendar quarterly continuous opacity monitoring excess emission reports to the Cleveland Bureau of Air Pollution Control.

20. Notifications, stack test results, opacity summary reports, and corrective measures reports shall be submitted to:

George Czerniak, Chief  
Air Enforcement and Compliance Assurance Branch (AE-17J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Attn: Julie Brandt, Environmental Engineer

with copies to OEPA as follows:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
1600 WaterMark Drive  
Columbus, Ohio 43215-1034

Eric Myles, Commissioner  
Division of the Environment  
Cleveland Department of Public Health  
1925 Saint Claire  
Cleveland, Ohio 44114

#### GENERAL PROVISIONS

21. The provisions of this Order shall apply to and be binding upon CER, its officers, directors, agents, employees, and any successor(s) in interest.
22. The provisions of this Order shall be transferable to any other party upon sale or other disposition of the facility. Upon such action, the provisions of this Order shall then apply to and be binding upon any new owner/operator, its officers, directors, agents, employees, and any successor(s) in interest.
23. CER shall give written notice of this Order to any successor(s) in interest prior to transfer of ownership, and shall simultaneously send of copy of such written notice to U.S. EPA at the address indicated in paragraph 20.
24. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or authorized representatives of U.S. EPA, shall at reasonable times have the right of entry into, upon and through the CER plant for the purpose of carrying out any inspections, taking photographs, reviewing any records, observing tests, and conducting any tests which are deemed necessary to ensure that the purposes of this Order are effectuated.
25. Nothing in this Order shall be construed to restrict U.S. EPA's authority under any section of the Clean Air Act.

26. Nothing in this Order shall affect the responsibility of CER to comply with all applicable Federal, State and local laws and regulations.
27. Nothing in this Order shall be construed to prevent or limit U.S. EPA's right to collect penalties and pursue appropriate relief under Sections 113(b), 113(d), and 303 of the Act, 42 U.S.C. §§ 7413(b), 7413(d), and 42 U.S.C. § 7603, for any violation(s) of this Order or any section of the Act, including but not limited to, the regulations promulgated under Section 110 of the Act, 42 U.S.C. § 7410.
28. Any and all information required to be maintained or submitted pursuant to this Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., because it seeks collection of information by U.S. EPA from a specific individual or entity to assure compliance with this administrative action.
29. This Order shall become effective on the date of signature by the Air and Radiation Division Director, and shall remain in effect for a period of one year from that date.

10/9/98  
Date

Stephen Rothblatt For  
Stephen Rothblatt, Acting Director  
Air and Radiation Division

## APPENDIX A

**Re: Particulate Emission Test for boilers number 34, 35, and 37 (Ohio EPA sources B001, B002, and B004).**

Stack testing shall be performed in accordance with U.S. EPA Methods 1-5, and 9, 40 C.F.R. Part 60, Appendix A. The stack test protocol shall include:

1. One stack test each on boiler numbers 34, 35, and 37, consisting of three runs, during which the boiler is operating at "maximum load" which shall be defined as the maximum design capacity or the maximum load which was achieved during the past 3 years, whichever is greater.
2. The stack testing shall be performed on each boiler after a period of at least four weeks of operating during which the boiler and associated air pollution control device have had no cleaning or rehabilitation performed (other than normal maintenance).
3. For each stack test, at least one of the three test runs shall be conducted during a normal sootblowing cycle which is consistent with the maximum frequency and duration normally experienced for the total testing period. In order for a time-weighted average of the soot blowing period to be used in emission calculations, the following information shall be provided with the test report:
  - a. Total test time of soot blowing during applicable test run;
  - b. Total test time spent not soot blowing during sample run containing a soot blowing cycle;
  - c. Total test time of the non-soot-blowing performance test runs;
  - d. Average number of hours of operation during a 24-hour period; and
  - e. Average number of hours of soot blowing during a 24-hour period.
4. For each stack test, at least one of the three test runs shall be conducted during a normal ash pulling cycle which is consistent with the maximum frequency and duration normally experienced for the total testing period. In order for a time-weighted average of the ash pulling period to be used in emission calculations, the following information shall be provided with the test report:
  - a. Total test time of ash pulling during applicable sample run;
  - b. Total test time not ash pulling during sample run containing a ash pulling cycle;
  - c. Total test time of the non-ash-pulling performance test runs;
  - d. Average number of hours of operation during a 24-hour period; and
  - e. Average number of hours of ash pulling during a 24-hour period.
5. The boilers shall be operated under "normal operating procedures" which shall be defined as maintenance during daily usage of the boilers at maximum load. Operating parameters shall be recorded, including at a minimum:

- a. actual heat input (million BTU/hr);
  - b. steam flow (lbs/hr);
  - c. steam temperature (°F);
  - d. steam pressure (psia);
  - e. combustion of air flow (lbs/hr);
  - f. soot blowing cycle;
  - g. coal feed rate to boiler (ton/hr);
  - h. oxygen levels at boiler outlet; and
  - i. time recorded (start to finish).
6. Pursuant to Ohio SIP Rule OAC 3745-17-03, for U.S. EPA Method 5, the probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than three hundred twenty degrees Fahrenheit (one hundred sixty degrees Celsius).
  7. Coal, most representative of the "worst case coal" burned during normal operations, shall be utilized. For the purposes of this test protocol, "worst case coal" means coal containing the highest percent ash per gross caloric value of the coal burned in boilers 34, 35, and 37 over the past year (i.e. between 8 and 9 percent ash). Fuel sampling and analysis shall be performed and submitted on an as fired basis in accordance with ASTM procedures specified in 40 C.F.R. Part 60, Method 19, or as approved by the U.S. EPA. The coal analysis shall include, at minimum: weight percent ash, weight percent sulfur, heat content, and percent fines.
  8. Continuous opacity monitor strip charts for the day(s) of testing shall be submitted with the stack test report. These shall be dated, signed, and the time scale verified.
  9. Visible emissions observations shall be performed by a certified observer in accordance with U.S. EPA Method 9, 40 C.F.R. Part 60, Appendix A, throughout the test period.
  10. Any other emission test runs, conducted or attempted after receipt of this Order shall be documented with results included therein.
  11. Notification of particulate emission testing, including the maximum load at which the boiler will be tested, the coal quality to be utilized, and the multiclone parameters to be maintained, shall be sent to U.S. EPA and the Ohio Environmental Protection Agency at least 15 days prior to the test date. Personnel designated by these agencies shall be permitted to observe all testing, ask questions of testing personnel, and make whatever records of the testing such representatives deem necessary, including photographs.
  12. Results of all testing shall be submitted in a bound report to U.S. EPA, and the State of Ohio within 30 days after completion of testing. The



report shall contain the results of testing (including raw data sheets and all filter and beaker weights), the reporting of all applicable operating parameters specifically identified in paragraph 5, as well as information required in paragraphs 3-9 above.

**CERTIFICATE OF MAILING**

I, Shwanda Mayo, do hereby certify that an Administrative Order was sent  
by Federal Express, to:

Gerald Hoover, General Manager  
Cleveland Energy Resources  
1801 East 12th Street, Suite 201  
Cleveland, Ohio 44114-3526

Mark Shere, Esquire  
500 Market Tower  
10 W. Market Street  
Indianapolis, Indiana 46204

I also certify that a copy of the Administrative Order was sent by first  
class mail to the following addresses:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
1600 WaterMark Drive  
Columbus, Ohio 43215-1034

Eric Myles, Commissioner  
Division of the Environment  
Cleveland Department of Public Health  
1925 Saint Claire  
Cleveland, Ohio 44114

on the 9<sup>th</sup> day of October, 1998.

Begina Willis for  
Shwanda Mayo, Secretary  
ARD/AECAB/AECAS (MN/OH)

1424-5437-8  
Federal Express Number